

MAY 27 2009

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 )  
MUR 5940 ) CASE CLOSURE UNDER THE  
POE FOR CONGRESSAND ) ENFORCEMENT PRIORITY  
VIRGIL POE, AS TREASURER )

**GENERAL COUNSEL'S REPORT**

Under the Enforcement Priority System, matters that are low-rated

are forwarded to the Commission with a recommendation for dismissal.

The Commission has determined that pursuing

low-rated matters compared to other higher rated matters on the Enforcement docket

warrants the exercise of its prosecutorial discretion to dismiss these cases.

The Office of the General Counsel scored MUR 5940 as a low-rated matter. In this case, the complainant, *Citizens for Responsibility and Ethics in Washington*, through its representative Melanie Sloan, alleges that Poe for Congress and Virgil Poe, in his official capacity as treasurer ("the Committee"), violated the Federal Election Campaign Act of 1971, as amended, by failing to disclose contributor information and to itemize certain joint fundraising proceeds. The complaint is based primarily on several Requests for Additional Information ("RFAs") sent to the Committee by the Commission, and on the Commission's prior audit of the Committee, which was approved by the Commission on

August 1, 2007 (*see* attached Audit Report for Ted Poe for Congress, dated August 1, 2007).

The first finding by the Audit Division in the Committee's audit, concerning the Committee's Misstatements of Financial Activities, was referred from the Audit Division to the Office of General Counsel on August 9, 2007. The Commission opened a Matter Under Review concerning the audit referral on October 23, 2007, and then converted the audit referral to MUR 5947. Subsequently, the Commission conciliated with the Committee and agreed to accept a civil penalty from the Committee of \$25,000 (*see* attached Conciliation Agreement in MUR 5947).

and in furtherance of the Commission's priorities and resources, relative to other matters pending on the Enforcement docket, the Office of General Counsel believes that the Commission should exercise its prosecutorial discretion and dismiss the matter. *See Heckler v. Chaney*, 470 U.S. 821 (1985).

#### **RECOMMENDATION**

The Office of the General Counsel recommends that the Commission dismiss MUR 5940 as to Poe for Congress and Virgil Poe, in his official capacity as treasurer, close

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the file, and approve the appropriate letters.

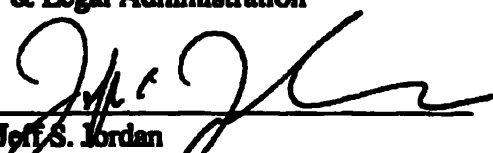
Thomasenia P. Duncan  
General Counsel


5/27/09  
Date

BY:

  
Gregory R. Baker

Special Counsel  
Complaints Examination  
& Legal Administration

  
Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination  
& Legal Administration

  
Ruth L. Heilizer  
Attorney, Complaints Examination  
& Legal Administration

Attachments:

1. Final Audit Report of Ted Poe for Congress
2. Conciliation Agreement for MUR 5947



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

August 9, 2007

**MEMORANDUM**

**To:** Robert W. Biersack  
Press Officer

**From:** Joseph F. Stoltz *JFS*  
Assistant Staff Director  
Audit Division

**Subject:** Public Issuance of the Audit Report on Ted Poe for Congress

Attached please find a copy of the audit report and related documents on Ted Poe for Congress, which was approved by the Commission on August 1, 2007.

The report may be released to the public.

Attachment as stated

**cc:** Office of General Counsel  
Office of Public Disclosure  
Reports Analysis Division  
FEC Library  
✓ DSDD Website

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## Report of the Audit Division on Ted Poe for Congress

November 6, 2003 – December 31, 2004

### Why the Audit Was Done

Federal law permits the Commission to conduct audits and field investigations of any political committee that is required to file reports under the Federal Election Campaign Act (the Act). The Commission generally conducts such audits when a committee appears not to have met the threshold requirements for substantial compliance with the Act.<sup>1</sup> The audit determines whether the committee complied with the limitations, prohibitions and disclosure requirements of the Act.

### Future Action

The Commission may initiate an enforcement action, at a later time, with respect to any of the matters discussed in this report.

### About the Campaign (p. 2)

Ted Poe for Congress (TPC) is the principal campaign committee for Ted Poe, Republican candidate for the U.S. House of Representatives from the state of Texas, 2<sup>nd</sup> district. TPC is headquartered in Humble, Texas. For more information, see chart on the Campaign Organization, p. 2.

### Financial Activity (p. 2)

- **Receipts**
  - Contributions from Individuals \$ 1,128,834
  - Contributions from Political Committees 441,086
  - Transfers from Authorized Committees 196,789
  - Offsets to Operating Expenditures 328
  - **Total Receipts** \$ 1,767,037
- **Disbursements**
  - Operating Expenditures \$ 1,703,187
  - Contribution Refunds 6,050
  - **Total Disbursements** \$ 1,709,237

### Findings and Recommendations (p. 3)

- Misstatement of Financial Activity (Finding 1)
- Disclosure of Proceeds from Joint Fundraising Activity (Finding 2)
- Documentation for Receipts (Finding 3)
- Disclosure of Occupation/Name of Employer (Finding 4)

<sup>1</sup> 2 U.S.C. §438(b).

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## Part I Background

### Authority for Audit

This report is based on an audit of Ted Poe for Congress (TPC),<sup>2</sup> undertaken by the Audit Division of the Federal Election Commission (the Commission) in accordance with the Federal Election Campaign Act of 1971, as amended (the Act). The Audit Division conducted the audit pursuant to 2 U.S.C. §438(b), which permits the Commission to conduct audits and field investigations of any political committee that is required to file a report under 2 U.S.C. §434. Prior to conducting any audit under this subsection, the Commission must perform an internal review of reports filed by selected committees to determine if the reports filed by a particular committee meet the threshold requirements for substantial compliance with the Act. 2 U.S.C. §438(b).

### Scope of Audit

This audit examined:

1. The receipt of excessive contributions and loans.
2. The receipt of contributions from prohibited sources.
3. The disclosure of contributions received.
4. The disclosure of disbursements, debts and obligations.
5. The consistency between reported figures and bank records.
6. The completeness of records.
7. Other committee operations necessary to the review.

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<sup>2</sup> Effective February 11, 2005, Ted Poe for Congress changed its name to Poe for Congress.

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## Part II

### Overview of Campaign

#### Campaign Organization

<b>Important Dates</b>	<b>Ted Poe for Congress</b>
• Date of Registration	November 17, 2003
• Audit Coverage	November 6, 2003 - December 31, 2004
<b>Headquarters</b>	Humble, TX
<b>Bank Information</b>	
• Bank Depositories	One
• Bank Account	One Checking
<b>Treasurer</b>	
• Treasurer When Audit Was Conducted	Virgil Poe
• Treasurer During Period Covered by Audit	Virgil Poe
<b>Management Information</b>	
• Attended FEC Campaign Finance Seminar	No
• Used Commonly Available Campaign Management Software Package	Yes
• Who Handled Accounting and Recordkeeping Tasks	Paid Campaign Staff

#### Overview of Financial Activity (Audited Amounts)

Cash on hand @ November 6, 2003	\$ 0
o Contributions from Individuals	\$ 1,128,834
o Contributions from Political Committees	441,086
o Transfers from Authorized Committees	196,789
o Offsets to Operating Expenditures	328
<b>Total Receipts</b>	<b>\$ 1,767,037</b>
o Operating Expenditures	\$ 1,703,187
o Contribution Refunds	6,050
<b>Total Disbursements</b>	<b>\$ 1,709,237</b>
Cash on hand @ December 31, 2004	\$57,800



## Part III Summaries

### Findings and Recommendations

#### **Finding 1. Misstatement of Financial Activity**

A comparison of TPC's reported figures to bank records revealed that TPC had materially misstated receipts, disbursements, and the ending cash on hand balances for calendar years 2003 and 2004. The Audit staff recommended that TPC file amended reports to correct the misstatements. In response, TPC materially corrected the misstatements. (For more detail, see p. 4)

#### **Finding 2. Disclosure of Proceeds from Joint Fundraising Activity**

TPC did not properly disclose the receipt of net proceeds from joint fundraising activity with the 2004 Joint Candidate Committee II and the Team Texas Committee. The Audit staff recommended that TPC file amended reports to correctly disclose these receipts. In response, TPC filed amended reports materially correcting the disclosure of the joint fundraising proceeds. (For more detail, see p. 6)

#### **Finding 3. Documentation for Receipts**

The Audit staff reviewed contributions from individuals and determined that 19% were not properly documented. The errors were all associated with contributions in excess of \$50 for which a copy of the contributor's check was not retained by TPC. The Audit staff recommended that TPC provide any additional records that it is able to locate and provide any other relevant information.

In response, TPC's counsel stated that its bank keeps copies of contributor checks received by the committee, which complies with 11 CFR §102.9(a)(4). TPC also provided several contributor check copies it had recently obtained from its bank as samples, but did not provide the majority of the missing records. The Commission voted to receive this finding, without any determination on the merits of the analysis, or the facts, or the interpretation of the law contained therein. (For more detail, see p. 7)

#### **Finding 4. Disclosure of Occupation/Name of Employer**

TPC did not adequately disclose the occupation and/or name of employer for approximately 40% of contributions from individuals itemized on its disclosure reports and no "best efforts" to obtain, maintain, and submit the information was documented. The Audit staff recommended that TPC provide evidence that it exercised "best efforts" to obtain the missing information, attempt to contact the contributors to obtain the necessary information, submit evidence of such efforts and disclose any information received in amended reports. In response, TPC filed amended reports that materially disclosed occupation/name of employer information. (For more detail, see p. 8)

## Part IV

### Findings and Recommendations

#### Finding 1. Misstatement of Financial Activity

##### Summary

A comparison of TPC's reported figures to bank records revealed that TPC had materially misstated receipts, disbursements, and the ending cash on hand balances for calendar years 2003 and 2004. The Audit staff recommended that TPC file amended reports to correct the misstatements. In response, TPC materially corrected the misstatements.

##### Legal Standard

**Contents of Reports.** Each report must disclose:

- The amount of cash on hand at the beginning and end of the reporting period;
- The total amount of receipts for the reporting period and for the calendar year;
- The total amount of disbursements for the reporting period and for the calendar year; and
- Certain transactions that require itemization on Schedule A (Itemized Receipts) or Schedule B (Itemized Disbursements). 2 U.S.C. §434(b)(1), (2), (3), (4) and (5).

##### Facts and Analysis

The Audit staff reconciled TPC's reported activity to the bank records and determined there was a misstatement of cash on hand, receipts, and disbursements for calendar years 2003 and 2004. The following charts details the discrepancies for each year. Succeeding paragraphs explain, to the extent possible, why the discrepancies occurred.

2003 Activity			
	Reported	Bank Records	Discrepancy
Opening Cash Balance @ November 6, 2003	\$0	\$0	\$0
Receipts	\$106,260	\$101,260	\$5,000 Overstated
Disbursements	\$22,856	\$24,086	\$1,230 Understated
Ending Cash Balance @ December 31, 2003	\$83,404	\$77,174	\$6,230 Overstated

The overstatement of receipts was the result of the following:

- |  |         |
|--|---------|
| • Reported contribution from a political committee was returned from the bank for insufficient funds (December 2003) | \$5,000 |
| Overstatement  | \$5,000 |

The understatement of disbursements was the net result of the following:

• Net under reporting of payroll disbursements <sup>3</sup>	\$1,142
• Unreported bank fees	90
• Over reported disbursement	(2)
Net understatement	\$1,230

The overstatement of ending cash on hand in the amount of \$6,230 was the result of the misstatements noted above.

2004 Activity			
	Reported	Bank Records	Discrepancy
Opening Cash Balance @ January 1, 2004	\$83,404	\$77,174	\$6,230 Overstated
Receipts	\$1,565,264	\$1,665,777	\$100,513 Understated
Disbursements	\$1,500,011	\$1,685,151	\$185,140 Understated
Ending Cash Balance @ December 31, 2004	\$148,657	\$57,800	\$90,857 Overstated

The understatement of receipts was the result of the following:

• Contributions from individuals not reported	\$84,397
• Net under reporting of contributions from political committees	15,115
• Unexplained difference	1,000
Understatement	\$100,513

The understatement of disbursements was the net result of the following:

• Operating expenditures not reported	\$316,621
• Operating expenditures reported twice	(71,738)
• Operating expenditures reported but not located in bank records	(43,800)
• Reported \$15,000 disbursement as \$1,500	13,500
• Unexplained difference	(29,443)
Net understatement	\$185,140

The overstatement of ending cash on hand in the amount of \$90,857 was the result of the misstatements noted above.

At the exit conference, the Audit staff provided TPC representatives with schedules detailing these misstatements. TPC representatives offered no comments.

<sup>3</sup> TPC failed to report six payroll disbursements totaling \$12,219 while it reported five payroll-related disbursements totaling \$11,076 that could not be traced to bank records.

### **Interim Audit Report Recommendation and Committee Response**

The Audit staff recommended that TPC file amended reports for calendar years 2003 and 2004. It was further recommended that the most recent report be amended to show the adjusted cash on hand balance along with an explanation that it resulted from audit adjustments from a prior period. In response, TPC filed the recommended amended reports.

## **Finding 2. Disclosure of Proceeds from Joint Fundraising Activity**

### **Summary**

TPC did not properly disclose the receipt of net proceeds from joint fundraising activity with the 2004 Joint Candidate Committee II and the Team Texas Committee. The Audit staff recommended that TPC file amended reports to correctly disclose these receipts. In response, TPC filed amended reports materially correcting the disclosure of the joint fundraising proceeds.

### **Legal Standard**

**Itemization of Contributions from Joint Fundraising Efforts.** Participating political committees must report joint fundraising proceeds in accordance with 11 CFR 102.17(c)(8) when such funds are received from the fundraising representative. 11 CFR §102.17(c)(3)(iii).

Each participating political committee reports its share of the net proceeds as a transfer-in from the fundraising representative and must also file a memo Schedule A (Itemized Receipts) itemizing its share of gross receipts as contributions from the original contributors to the extent required under 11 CFR 104.3(a). 11 CFR §102.17(c)(8)(i)(B).

### **Facts and Analysis**

The Audit staff determined that TPC received a total of \$196,789 in net proceeds from joint fundraising activity; \$100,782 from the 2004 Joint Candidate Committee II and \$96,007 from the Team Texas Committee. This activity was properly itemized as transfers-in from the fundraising representative on Schedules A, however, TPC did not disclose memo entries on Schedules A itemizing its share of the gross receipts as contributions from the original contributors. This information was contained in TPC's contributions database.

At the exit conference, the Audit staff discussed this matter with TPC representatives. TPC representatives offered no comments.

### **Interim Audit Report Recommendation and Committee Response**

The Audit staff recommended that TPC file amended reports to include memo entries on Schedules A itemizing its share of the gross receipts from the joint fundraising activity as contributions from the original contributors. In response, TPC filed the recommended amended reports. TPC stated in its response that it had followed the reporting

instructions provided by the joint fundraising representatives. TPC also noted that the proceeds received from joint fundraising activity referenced above were originally itemized as transfers-in from the fundraising representatives.

### **Finding 3. Documentation for Receipts**

#### **Summary**

The Audit staff reviewed contributions from individuals and determined that 19% were not properly documented. The errors were all associated with contributions in excess of \$50 for which a copy of the contributor's check was not retained by TPC. The Audit staff recommended that TPC provide any additional records that it is able to locate and provide any other relevant information.

In response, TPC's counsel stated that its bank keeps copies of contributor checks received by the committee, which complies with 11 CFR §102.9(a)(4). TPC also provided several contributor check copies it had recently obtained from its bank as samples, but did not provide the majority of the missing records. The Commission voted to receive this finding, without any determination on the merits of the analysis, or the facts, or the interpretation of the law contained therein.

#### **Legal Standard**

**A. Retention of Check Copies.** For contributions in excess of \$50, committees must maintain a photocopy or digital image of the check or written instrument. If the check copies are maintained digitally, the committee must provide the ability to retrieve and read the images at no cost to the Commission. 11 CFR §102.9(a)(4).

**B. Preserving Documents.** Committees must preserve these records for 3 years after a report is filed. 2 U.S.C. §432(d).

#### **Facts and Analysis**

The Audit staff reviewed contributions from individuals on a sample basis and determined that approximately 19% of these items were not properly documented. The only documentation available for these contributions was the entries in TPC's electronic database. The errors were for contributions greater than \$50 for which there was no copy of the check or written instrument.

The Audit staff presented this matter to TPC representatives at the exit conference. TPC representatives indicated that they would attempt to obtain the necessary documentation and provide it to the Audit staff.

#### **Interim Audit Report Recommendation and Committee Response**

The Audit staff recommended that TPC provide any additional records that it was able to locate and any other relevant information. In response, TPC's counsel stated that its bank, acting as "an agent authorized by the treasurer," keeps copies of contributor checks received by the committee, and TPC is therefore in compliance with 11 CFR §102.9(a)(4). Also included in the response, were several contributor check copies TPC

had recently obtained from its bank as samples. TPC did not provide copies of the majority of the contribution checks that were missing and none of those provided were among the sample errors. The Commission voted to receive this finding, without any determination on the merits of the analysis, or the facts, or the interpretation of the law contained therein.

#### **Finding 4. Disclosure of Occupation/Name of Employer**

##### **Summary**

TPC did not adequately disclose the occupation and/or name of employer for approximately 40% of contributions from individuals itemized on its disclosure reports and no "best efforts" to obtain, maintain, and submit the information was documented. The Audit staff recommended that TPC provide evidence that it exercised "best efforts" to obtain the missing information, attempt to contact the contributors to obtain the necessary information, submit evidence of such efforts and disclose any information received in amended reports. In response, TPC filed amended reports that materially disclosed occupation/name of employer information.

##### **Legal Standard**

**A. Required Information for Contributions from Individuals.** For each itemized contribution from an individual, the committee must provide the following information:

- The contributor's full name and address (including zip code);
- The contributor's occupation and the name of his or her employer;
- The date of receipt (the date the committee received the contribution);
- The amount of the contribution; and
- The election cycle-to-date total of all contributions from the same individual. 2 U.S.C. §434(b)(3)(A) and 11 CFR §§100.12 and 104.3(a)(4).

**B. Best Efforts Ensures Compliance.** When the treasurer of a political committee shows that the committee used best efforts (see below) to obtain, maintain, and submit the information required by the Act, the committee's reports and records will be considered in compliance with the Act. 2 U.S.C. §432(i).

**C. Definition of Best Efforts.** The treasurer and the committee will be considered to have used "best efforts" if the committee satisfied all of the following criteria:

- All written solicitations for contributions included:
  - A clear request for the contributor's full name, mailing address, occupation, and name of employer; and
  - The statement that such reporting is required by Federal law.
- Within 30 days after the receipt of the contribution not accompanied by complete information, the treasurer made at least one effort to obtain the missing information, via either a written request or a documented oral request.
- The treasurer reported any contributor information that, although not initially provided by the contributor, was obtained in a follow-up communication or was

contained in the committee's records or in prior reports that the committee filed during the same two-year election cycle. 11 CFR §104.7(b).

### **Facts and Analysis**

A sample review of contributions from individuals disclosed on Schedules A (Itemized Receipts) indicated that TPC failed to disclose the occupation and/or name of employer, for approximately 40% of the tested contributions. In some instances, the missing information was maintained in TPC's records. For those contributors for whom the information was not in TPC's records, no evidence was available to demonstrate that TPC had exercised "best efforts" to obtain, maintain, and submit the information.

The Audit staff presented this matter to TPC representatives at the exit conference. TPC representatives asked the best way to comply with this recommendation. The Audit staff responded that TPC should provide evidence of its best efforts to obtain, maintain and submit the missing contributor information; contact the contributors in an attempt to obtain this information; and, file amended reports for any information it obtains or already has in its possession.

### **Interim Audit Report Recommendation and Committee Response**

The Audit staff recommended that TPC take the following action:

- Provide documentation that it exercised best efforts to obtain, maintain and submit the required contributor information; or
- Make an effort to contact those individuals for whom the required information was not in TPC files and provide documentation of such efforts (such as copies of letters to the contributors and/or phone logs); and,
- File amended reports to disclose any information in TPC's possession as well as information obtained in response to this recommendation.

In response, TPC filed amended reports that materially disclosed occupation/name of employer information.

BEFORE THE FEDERAL ELECTION COMMISSION

Perd OGC  
MAY 14 2009  
2:47 pm

In the Matter of

Poe for Congress and Lisa Linker,  
in her official capacity as treasurer.

MUR 5947

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Poe for Congress and Lisa Linker,<sup>1</sup> in her official capacity as treasurer ("Respondent") violated 2 U.S.C. § 434(b).

NOW, THEREFORE, the Commission and the Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C.

§ 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

<sup>1</sup> Lisa Linker was named treasurer on June 16, 2008 and has replaced both Kindra Helmer and Virgil Poe as respondents, in their official capacities as the Committee's two prior treasurers. Virgil Poe was the treasurer at the time of the violations enumerated herein.

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**1. Poe for Congress<sup>2</sup> ("the Committee") is a political committee within the meaning of 2 U.S.C. § 431(4).**

**2. Lisa Linker is the treasurer of the Committee and is a respondent in this matter only in her official capacity as treasurer.**

**3. Each treasurer of a political committee is required to file reports of receipts and disbursements in accordance with 2 U.S.C. § 434(a). Each report shall disclose the amount of cash on hand at the beginning and end of the reporting period, the total amount of receipts for the reporting period and for the calendar year, the total amount of disbursements for the reporting period for the calendar year. 2 U.S.C. § 434(b)(1), (2) and (4).**

**4. The Committee failed to properly report its financial activity in 2003 and 2004. In 2003, the Committee overstated its receipts by \$5,000, understated its disbursements by \$1,230 and overstated its ending cash balance by \$6,230. In 2004, the Committee understated its receipts by a net amount of \$100,513, understated its disbursements by a net amount of \$185,140 and overstated its ending cash balance by \$90,857.**

**5. Following the interim audit report, the Committee cooperated fully with the Commission by complying with the recommendations of the Commission's Audit Division and amending its disclosure reports to materially correct the aforementioned misstatements of its financial activities.**

**6. The Commission has not made any findings in this matter that Congressman Poe personally violated the Act or any regulation thereunder in connection with this matter.**

**7. The Respondent contends that any violation of the law was inadvertent, and they have taken steps to remedy their internal compliance procedures by hiring an experienced FEC**

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<sup>2</sup> Effective February 11, 2005, Ted Poe for Congress changed its name to Poe for Congress.

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**Conciliation Agreement  
MUR 3947 (Fee for Congress)**

reporting firm and compliance specialist (and continuing to retain them) to ensure that these errors will be avoided in the future. Respondents further contend that they have made significant improvements and incurred significant expense to remedy their internal compliance procedures in an effort to comply fully with the Act's reporting requirements. The Commission made no finding in this matter that the violations described herein were knowing or willful.

V. 1. Respondent violated 2 U.S.C. § 434(b) by failing to properly report its receipts, disbursements, and cash on hand.

2. Respondent will cease and desist from violating 2 U.S.C. § 434(b).

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of twenty-five thousand dollars (\$25,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and resolves all allegations that may arise from the Commission's audit of the Committee for the 2004 election cycle. No other statement, promise, or agreement, either


**Constitution Agreement  
MUR 9947 (Poe for Congress)**

written or oral, made by either party or by agents of either party, that is not contained in this  
written agreement shall be enforceable.

**FOR THE COMMISSION:**


**Thomasena P. Duncan  
General Counsel**

**BY:**

  
**Ann Marie Tersiken  
Associate General Counsel for Enforcement**

5/20/09  
Date

**FOR THE RESPONDENT(S):**

  
**William J. McGlady  
Counsel to Poe for Congress**

4/21/09  
Date